JUDGE LEFKOW
MAGISTRATE JUDGE BROWN

3303 P.3

(Rev. 7/30/01) CCG 0003

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Grant Importing & Distributing Co., Inc., et al

v.

Amtec International of NY Corp., et al

NO. 08 C H 07887

08 C 1269

NOTICE OF EMERGENCY MOTION

To: Amtec International of NY Corp., individually and d/b/a European Beer Importers, Inc.
c/o Any Agent
2690 Lake Street
Melrose Park, Illinois 60160

Advanced Brands & Importing Co., Inc.
d/b/a Star Brand Imports
c/o Any Agent
1901 Butterfield
Downers Grove, Illinois 60515

On ~~February 29~~ March 4, 2008, at 10:30 (a.m.) ~~p.m.~~, or as soon thereafter as counsel may be heard, I shall appear before the Honorable ~~presiding~~ Judge James Epstein or any Judge sitting in that Judge's stead, in the courtroom usually occupied by him/her, located at Room 2403 of the Richard J. Daley Center, Chicago, Illinois, and present the attached Emergency Motion for Temporary Restraining Order and Preliminary Injunction

Name Law Offices of Bozich & Korn
Address 11800 S. 75th Avenue
Telephone (708) 923-6000

Atty.No. 23579
Attorney for Plaintiffs
City/State/Zip Palos Heights, Illinois 60463

PROOF OF SERVICE BY DELIVERY

I, ______________________, the attorney/non attorney* certify that on the ________ day of ______________, ________, I served this notice by delivering a copy personally to each person to whom it is directed.
(*strike one)

Date ______________________

____
Signature/Certification

PROOF OF SERVICE BY ~~MAIL~~ Facsimile

I, Joseph R. Lemersal, the attorney/~~non-attorney~~* certify that I served this notice by ~~mailing~~ faxing a copy to the above named at AMtec (708) 681-6242 and Star Brands (630) 874-1201 ~~(address on envelope)~~
(*strike one)
~~and depositing the same in the U.S. Mail at~~ ______________________ (place of mailing)
at 4:00 p.m. on the 28th day of February, 2008 with proper postage prepaid.

Date February 28, 2008

Joseph R. Lemersal
Signature/Certification

NOTE: If more than one person served by mail, additional proof of service may be on the reverse side.

Copy received ______________________, ________ at ________ a.m. p.m.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CHANCERY DIVISION

GRANT IMPORTING & DISTRIBUTING CO., INC., HAYES BEER DISTRIBUTING COMPANY, L&V DISTRIBUTORS, INC., CHICAGO BEVERAGE SYSTEMS LLC, JOSEPH MULLARKEY DISTRIBUTORS, INC., TOWN & COUNTRY DISTRIBUTORS, INC., KOZOL BROS., INC., FRED W. LOSCH BEVERAGE CO., and SCHAMBERGER BROS., INC.,

Plaintiffs,

vs.

No. 08CH07887

AMTEC INTERNATIONAL OF NY CORP., individually and d/b/a EUROPEAN BEER IMPORTERS, INC.,and ADVANCED BRANDS & IMPORTING CO., INC., d/b/a STAR BRAND IMPORTS,

Defendants.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

NOW COME the Plaintiffs, GRANT IMPORTING & DISTRIBUTING CO., INC., HAYES BEER DISTRIBUTING COMPANY, L&V DISTRIBUTORS, INC., CHICAGO BEVERAGE SYSTEMS LLC, JOSEPH MULLARKEY DISTRIBUTORS, INC., TOWN & COUNTRY DISTRIBUTORS, INC., KOZOL BROS., INC., FRED W. LOSCH BEVERAGE CO., and SCHAMBERGER BROS., INC., (hereinafter referred to as "Plaintiffs"), by and through their attorneys, the LAW OFFICES OF BOZICH & KORN, and KRALOVEC MEENAN LLP, and move this Court pursuant to 735 ILCS 5/11-101 and 815 ILCS §720 for the entry of a temporary restraining order, and thereafter a preliminary injunction, and in support thereof, state as follows:

1. Plaintiffs have filed a Verified Complaint against Defendants, which seeks relief by injunction and other relief.

2. Plaintiffs repeat and incorporate the allegations of their Verified Complaint as this Paragraphs 2 as if fully set forth herein.

3. As alleged in the Verified Complaint, Plaintiffs are beer wholesalers in the Greater Chicagoland area, (defined as Cook County, Kane County, Kankakee County, Kendall County, DuPage County, Lake County, Will County, among other Illinois Counties), and are all wholesalers of Zywiec Beer since on or before April 1, 2005.

4. Plaintiffs have been previously supplied with Zywiec Beer by Advanced Brands & Importing Co., Inc., d/b/a Star Brand Imports (hereinafter "SBI"), who has been the Master Distributor (as that term is defined under 815 ILCS §720/1.1) of Zywiec Beer in the Greater Chicagoland area.

5. SBI has informed Plaintiffs that it is no longer the Master Distributor of Zywiec Beer for Illinois, and that Amtec International of NY Corp. (hereinafter "Amtec"), individually or d/b/a European Beer Importers, Inc.(hereinafter EBI), an Illinois corporation (housed at the same Melrose Park, Illinois address with the same local agent as Amtec), is now the Master Distributor of said beer in the United States.

6. For the past thirty (30) days, Plaintiffs have been trying to obtain additional supplies of Zywiec Beer to replete their deplenished inventories, but both SBI and Amtec/EBI have failed and refused to respond to Plaintiffs' requests or acknowledge that Plaintiffs' rights to distribute Zywiec Beer in their respective territories are protected under the Illinois Beer Fair Dealing Act, at 815 ILCS §720, *et seq.*

7. Plaintiffs have recently been advised by reliable sources that some thirty (30) shipping containers of Zywiec Beer are in route to Chicago, intended for Amtec, and are to arrive in Chicago on or about March 1, 2008.

8. By reason of Amtec/EBI's total failure and refusal to acknowledge or respond to Plaintiffs' inquiries, orders, and requests regarding Zywiec Beer, Plaintiffs have reason to believe that it is Amtec/EBI's intention to abrogate Plaintiffs' rights to wholesale Zywiec Beer in their respective territories. Plaintiffs, as beer wholesalers, are protected under the aforesaid Act from the wrongful termination and cancellation of their distribution rights.

9. Section 9(3) of said Act provides for injunctive relief to an affected party, and Plaintiffs, to the extent Amtec/EBI is attempting to terminate and/or cancel Plaintiffs' respective wholesaling rights, are affected parties.

10. Plaintiffs seek to enjoin Amtec/EBI from the sale or distribution of any Zywiec Beer products, including the afore referenced incoming shipment of said beer, until such time as the Plaintiffs' rights to the exclusive distribution of said beer can be ascertained and determined after a trial on the merits.

11. Plaintiffs have a high chance of success on the merits of their claim as set forth in the Verified Complaint.

12. Plaintiffs' Complaint evidences a likelihood that Defendant Amtec/EBI is or will be violating its obligations as a Successor Brewer, as that term is defined by the Act, and further evidences Plaintiffs' standing to pursue this cause of action.

13. Plaintiffs further contend that they have no adequate remedy at law or in equity for the injury they will sustain by Amtec/EBI's wrongful termination/cancellation of their rights under the Act.

14. A temporary restraining order and preliminary injunction will preserve the status quo, and is necessary to protect Plaintiffs from substantial and irreversible injury to their respective businesses and goodwill in the wholesale market.

WHEREFORE, Plaintiffs, **GRANT IMPORTING & DISTRIBUTING CO., INC., HAYES BEER DISTRIBUTING COMPANY, L&V DISTRIBUTORS, INC., CHICAGOBEVERAGE SYSTEMS LLC, JOSEPH MULLARKEY DISTRIBUTORS, INC., TOWN & COUNTRY DISTRIBUTORS, INC., KOZOL BROS., INC., FRED W. LOSCH BEVERAGE CO.**, and **SCHAMBERGER BROS., INC.**, pray that this Court enter the following Order:

A. That this Court enter a temporary restraining order without bond, restraining Amtec and EBI from attempting to distribute any Zywiec Beer in Illinois, whether now in its possession or coming into its possession, pending a hearing on Plaintiffs' Motion for Preliminary Injunction; and

B. For an Order providing for expedited discovery and a hearing date on Plaintiffs' Motion for a Preliminary Injunction.

LAW OFFICES OF BOZICH & KORN, and
KRALOVEC MEENAN LLP

By: [signature]
One of the Attorneys for Plaintiffs

LAW OFFICES OF BOZICH & KORN
11800 South 75th Avenue
Palos Heights, Illinois 60463
(708)-923-6000
Attorney Code No. 23579

KRALOVEC MEENAN LLP
53 West Jackson Boulevard
Suite #1102
Chicago, Illinois 60604
(312)-788-1111
Attorney Code No. 90590

STATE OF ILLINOIS)
) **SS.**
COUNTY OF C O O K)

AFFIDAVIT

The undersigned, DONALD GRANATO, being first duly sworn under oath, does state and affirm as follows:

1. I am the President of Grant Importing & Distributing Co., Inc.

2. I have read the Verified Complaint filed in this cause, as well as the Emergency Motion for Temporary Restraining Order and Preliminary Injunction, filed in this cause.

3. The matters alleged in the Verified Complaint and the Emergency Motion are true and correct to the best of my knowledge.

4. If sworn as a witness, I am competent to testify as to the facts alleged in the Verified Complaint and the Emergency Motion from my own personal knowledge.

FURTHER AFFIANT SAYETH NOT.

Donald Granato

SUBSCRIBED and SWORN to
before me this 27 day of February, 2008.

Notary Public

OFFICIAL SEAL
BRUCE M BOZICH
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:10/29/10